

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

E.K. and S.K., minors, by and through their parent and next friend LINDSEY KEELEY; O.H., S.H., and H.H., minors, by and through their parent and next friend JESSICA HENNINGER; E.G., a minor, by and through his parent and next friend MEGAN JEBELES; E.Y. and C.Y., minors, by and through their parent and next friend ANNA YOUNG; L.K., L.K., and L.K., minors, by and through their parent and next friend ANNA KENKEL; and M.T., a minor, by and through her parent and next friend NATALIE TOLLEY,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE  
EDUCATION ACTIVITY; DR. BETH SCHIAVINO-NARVAEZ, in her official capacity as Director of the Department of Defense Education Activity; and PETER BRIAN HEGSETH, in his official capacity as Secretary of Defense,

Defendants.

**DECLARATION OF JESSICA HENNINGER IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

I, Jessica Henninger, declare as follows,

1. The facts set forth in this declaration are based on my personal knowledge.
2. This declaration is made in my personal capacity as a parent, and it is not intended to, nor does it represent the position of the United States Government, the Department of Defense (DoD), or any of the Armed Services.

3. My spouse is an active-duty enlisted service member currently stationed at Fort Campbell, Kentucky where we have lived since October, 2024. We expect to be stationed at Fort Campbell for 3 years.

4. My spouse and I have three children who are currently attending (for the 2024-2025 school year) Barsanti Elementary located at 7409 McAuliffe Loop, Fort Campbell, Kentucky 42223-6025. Barsanti Elementary is a DoD Educational Activity (DoDEA) school and our children O.H., S.H., and H.H. are in pre-Kindergarten, Kindergarten, and fourth grade, respectively. During my spouse's active duty military service, we have also been stationed at Fort Meade, Maryland, and Vicenzo, Italy. I also have two older adult children who attended public schools in Wisconsin before attending (and ultimately graduating from) DoDEA schools in 2022 and 2024.

5. We intend for our three school-aged children to continue attending a DoDEA school throughout the duration of this duty station. After my spouse completes this duty station, we also intend to enroll our children in available DoDEA schools, if any, at the next duty station.

6. We place a great deal of importance on the value of our children's education. Personally, I attended and graduated from Waupaca High School in Wisconsin before going on to receive my Bachelor of Fine Arts degree in Theatre Performance and Costume Design from Viterbo University in LaCrosse, Wisconsin. I also obtained my Associate Degree in Nursing from Fox Valley Technical College in Appleton, Wisconsin.

7. Our general experience with DoDEA education has thus far been positive. Up until January, the curriculum was in keeping with academic standards that we believed were comparable to the best public-school systems nationwide. And it has been my experience that all of our children who have attended DoDEA schools have had excellent experiences with their teachers and staff, and each have enjoyed excellent student-teacher ratios and individualized attention.

8. We value the student body diversity at DoDEA schools, as well the excellent education DoDEA schools have provided because we believe that those aspects will help prepare our children for future success.

9. At Barsanti Elementary specifically, all three of our children attending Barsanti have thrived there. They do well both academically and socially. They frequently avail themselves of age-appropriate books at Barsanti Elementary's library where they have been exposed to books on various topics.

10. Since the signing of President Trump's Executive Orders targeting Diversity, Equity, and Inclusion, however, we have become very concerned with the negative impacts to our children's current and future education in DoDEA schools.

11. Specifically, I am aware that earlier this year the White House issued two Executive Orders that have been cited by DoDEA as justifications for various changes that have been implemented in our school. Those Executive Orders are Executive Order No. 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government; and Executive Order No. 14190, Ending Radical Indoctrination in K-12 Schooling.

12. Additionally, I am aware that on January 27, 2025, the White House issued Executive Order No. 14185, Restoring America's Fighting Force. This order was followed two days later by Secretary Hegseth's memorandum of the same name, which in part placed a "[p]rohibition on Instruction on Critical Race Theory, Gender Ideology, and [Diversity, Equity, and Inclusion]," specifically forbidding any element within DoD from providing instruction on these topics as part of a curriculum.

13. And I am aware that on February 7, 2025, DoDEA received guidance from the Secretary of Defense prohibiting the use of "official resources" to "host celebrations or events

related to cultural awareness months.” In accordance with that directive, a then-ongoing Black History Month assignment for my child’s fourth grade class was cancelled.

14. Specifically, O.H. had chosen Maya Angelou as the subject of her Black History Month project. She completed the research and prepared her presentation when the program was abruptly cancelled. That cancellation deprived O.H. of the opportunity to deliver her presentation and share her research about Ms. Angelou’s life and contributions in a Black History Month program at school, and of the opportunity to observe and learn from her classmates’ presentations about their chosen subjects for the school’s live wax museum program.

15. Because my two younger children are in kindergarten and pre-kindergarten, I am less certain about the direct impact on their curriculum. Nevertheless, I am very concerned about their future DoDEA education. I believe that the removal of these curricular materials, the cancellation of Black History Month and similar programs, and the removal of books has negatively impacted my children’s future ability to obtain a high-quality education at their DoDEA school.

16. I am concerned that the current and future quality of DoDEA education is being, and will be, harmed because the recent changes reflect political decisions unrelated to their educational impact. Further, these changes in DoDEA educational offerings, whether curricular or library materials, are resulting in my children receiving less exposure at school to people whose experiences are different from their own. I believe that these changes negatively affect the accuracy of information being disseminated about American history through the censorship politically disfavored viewpoints. And I further believe that exposure to information about people whose experiences differ, whether due to gender identity, race, or some other reason, helps children learn to be more empathetic and to think critically beyond the realm of their own experiences.

17. Further, on February 10, 2025, DoDEA Headquarters informed parents of DoDEA students, including myself, that it was conducting “an operational compliance review to ensure alignment with” the Executive Orders identified above. As part of that review, DoDEA notified us that library books “potentially related to gender ideology or discriminatory equity ideology” were examined and that its “curriculum and instruction team” identified a number of items “for further review.”

18. Following receipt of the above letter, I directed several emails to Barsanti Elementary administrators requesting clarification about what changes were occurring as a concerned parent, but have not received specific responses about what materials have been removed from the library or what other changes were occurring (other than the cancellation of my fourth grader’s Black History Month project and the removal of immigration-related content).

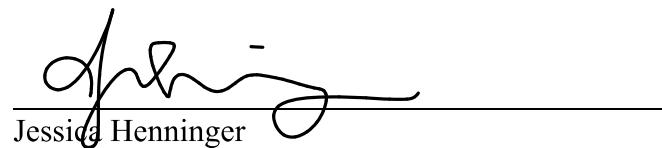
19. As a result of these Executive Orders, Office of the Secretary of Defense guidance, and implementing DoDEA memoranda, Barsanti Elementary has changed the curriculum, prohibited learning about African Americans’, women’s, and other marginalized groups’ history and culture, and removed books and other materials from classrooms and libraries.

20. Furthermore, these changes have been conducted in haste, behind closed doors, reflect ideological screening criteria as opposed to academic standards, and without adequate notice to parents, including myself.

21. Also, before and after filing this suit, I have communicated with Megan Jebeles, who is the parent and next friend of E.G., a 4<sup>th</sup> grade student at Barsanti Elementary. She has conveyed to me her concerns about the educational impact upon her 4<sup>th</sup> grader caused by the Executive Orders and memoranda mentioned above, including the curriculum changes and removal of library books. She expressed that she, too, objects to E.G.’s decreased exposure to

diverse life experiences caused by these changes, as well as the fact that the curriculum and library decisions negatively impact the quality of education and are being made for reasons other than an educational purpose.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this the 1<sup>st</sup> day of May, 2025.



Jessica Henninger

A handwritten signature in black ink, appearing to read "JH", is written over a horizontal line. Below the line, the name "Jessica Henninger" is printed in a standard black font.